

George Wood, trustee
Conroy Wood operating
old Wood Ranch

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR THE COUNTY
OF IRON, STATE OF UTAH

R. E. CALDWELL, State Engineer
of Utah,

Plaintiff

-vs-

FRANK ARMSTRONG, LORONZO ADAMS,
et al.

Defendants

ORDER TO SHOW CAUSE

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It appearing from the verified petition of Ed. H. Watson, the duly appointed, qualified and acting State Engineer of the State of Utah, that he has appointed a commissioner to distribute the water of Coal Creek in accordance with an interlocutory decree of this court dated December 6, 1924, and modified and decreed final on April 6, 1936, generally adjudicating all water rights on Coal Creek, and it appearing that one ^{George H. Wood, predecessor of} ~~Le Roy~~ Wood was served with summons herein, but failed to appear and assert his rights to the water of said Coal Creek for the use and benefit of his ranch located in Coal Creek Canyon, and it appearing that no water rights have been decreed to said ^{or predecessor} ~~Le Roy~~ H. Wood ^{or predecessor} for use upon the said ranch, but that nevertheless the said ~~Le Roy~~ H. Wood has, in violation of the decree and of the orders and directions of the said water commissioner, wrongfully and unlawfully diverted water from Coal Creek for use upon the said ranch. Upon motion of E. J. Skeen, Special Assistant Attorney General, it is ordered that ~~Le Roy~~ Wood be and appear before this court on the 14th day of July, 1942, at 2 o'clock P.M., and there show cause, if any he has, why he should not be permanently restrained and enjoined from diverting water from Coal Creek for the use and benefit of his ranch located in Coal Creek Canyon, and why he should not be punished for contempt of court for violating the decree hereinabove described.

Dated this _____ day of July, 1942.

Judge.

of Coal Creek in accordance with the said decree, and has on numerous occasions, the last of which was on or about the _____ day of June, 1942, refused to divert or permit the diversion of water from the said Coal Creek to the said George H. Wood ranch. Nevertheless, the said George H. Wood has wrongfully and without right and in violation of the orders of said water commissioner, diverted water from said Coal Creek to his said ranch and has stated that he will continue to so divert water regardless of the orders or directions of the said water commissioner or your petitioner.

WHEREFORE, your petitioner prays that an order requiring the said George H. Wood to appear at a time certain and to show cause, if any he has, why he should not be permanently enjoined and restrained from diverting water from Coal Creek for use upon or in connection with his said ranch in Coal Creek Canyon, and why he should not be punished for contempt of court for willfully violating the said decree of this court.

Attorney General

Special Asst. to Attorney General

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

FRED W. COTTRELL, being first duly sworn, deposes and says that he is the Chief Deputy State Engineer and makes this petition for and in behalf of the State Engineer; that he has read the said petition, knows the contents thereof and that it is true to the best of his knowledge, information and belief.

Subscribed and sworn to before me this _____ day of July, 1942.

Notary Public

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR THE COUNTY

OF IRON, STATE OF UTAH

R. E. CALDWELL, State Engineer
of Utah,

Plaintiff

-vs-

FRANK ARMSTRONG, LORONZO ADAMS,
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Defendants

The petition of Ed. H. Watson respectfully shows to the court:

1. That he is the duly appointed, qualified and acting State Engineer

of the State of Utah.

2. That on December 6, 1924, the above entitled court made and entered

an interlocutory decree in this cause adjudicating all of the rights to the use
of the water of Coal Creek pursuant to provisions of Chapter 67, Laws of Utah,

1919; that thereafter on April 6, 1936, this court made and entered an order

amending the said interlocutory decree in certain particulars and decreeing that
said decree, as amended, was final.

3. That for several years last past, upon request of the water users, the

State Engineer has appointed a water commissioner to distribute the water of

Coal Creek and tributaries in accordance with the said decree of general adjudi-
cation, and one J. T. Leigh was appointed and is acting as water commissioner on

Coal Creek for the irrigation season of 1942.

4. That one George H. Wood owns and operates a ranch in Coal Creek Canyon

approximately ten miles southeast of Cedar City, and your petitioner is informed
and believes that he has operated said ranch for many years; that although the

said George H. Wood was served with summons in the above cause, he failed to

appear and the final decree does not include any water right for the said George
H. Wood for the irrigation of said ranch, and George H. Wood by reason thereof

has no right or interest in the water of said Coal Creek for the irrigation of

or use upon his said ranch; that the said J. T. Leigh has distributed the water